

THE SECURE VISA WAIVER ACT

The current focus on the biometric passport deadline for Visa Waiver Program (VWP) countries presents an opportunity to add a significant layer of security to international air travel. This may be accomplished by having VWP travelers electronically submit biographic and travel document information, which should be checked against the same databases that consular officers use to screen visa applicants. The key is that this check will occur before VWP travelers are allowed to board a flight for the United States, whereas currently there are no security checks before VWP travelers board a plane.

Background

In 2002, Congress mandated October 26, 2004, as the date by which all countries participating in the VWP must have in place a program to introduce International Civil Aviation Organization (ICAO) standard biometrics into their passports and required all passports produced after that date contain biometrics in order to be allowed entry under the VWP. Failure to extend the deadline could result in as many as five million additional visa applications in FY2005 for consulates to process. On April 21, 2004, the Secretaries of State and Homeland Security requested that Congress extend the biometric passport deadline for a period of two years to November 26, 2006, stating that the inability of VWP countries to meet the October 26 deadline is due largely to technical difficulties.

SECURE Visa Waiver Act

The SECURE Visa Waiver Act would add security to the VWP, overcoming many of the concerns raised in the DHS Office of Inspector General's (OIG) recent report on the VWP. It would move towards implementing a system which would ensure that all VWP travelers are checked against our most robust counter-terrorism database before they board a flight to the U.S.

The Act also grants a 12-month extension for VWP countries to produce biometric passports. This would give VWP countries the same amount of time the U.S. will need to begin producing passports with biometric identifiers. The bill enhances the accountability of VWP countries by tying an extension of the one-year deadline to a report to Congress detailing their efforts to meet the deadline. At any time, the Administration may suspend the ability of a country to participate in the Visa Waiver Program.

Administration Proposal

On April 20, Senator Chambliss introduced S. 2324, a bill which would grant a two-year extension- the Administration's proposal.

Sensenbrenner's Proposal

On May 20, Rep. Sensenbrenner introduced H.R. 4417, a bill which would grant a one-year extension of the biometric passport deadline.